

1 John P. Zaimes (SBN 91933)
jzaimes@reedsmith.com
2 Roxanne M. Wilson (SBN 94627)
rwilson@reedsmith.com
3 John H. Lien (SBN 222842)
jlien@reedsmith.com
4 REED SMITH LLP
355 South Grand Avenue, Suite 2900
5 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
6 Facsimile: +1 213 457 8080

7 Attorneys for Defendant
Vector Marketing Corporation

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ALICIA HARRIS, as an individual and on
behalf of all others similarly situated,

12 Plaintiffs,

13 vs.

14 VECTOR MARKETING
15 CORPORATION, a Pennsylvania
corporation; and DOES 1 through 20,
16 inclusive,

17 Defendants.

No.: CV 08-5198 EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER RE:
ATTENDANCE OF PARTIES AT
SETTLEMENT CONFERENCE**

Complaint Filed: October 15, 2008
Trial Date: Vacated

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1 Plaintiff Alicia Harris (“Plaintiff” or “Harris”) and Defendant Vector Marketing
2 Corporation (“Defendant” or “Vector”) (collectively referred to as the “Parties”) enter
3 into this joint stipulation with reference to the following facts:

4 **RECITALS**

5 WHEREAS, on March 10, 2011, the Parties entered into a settlement of class
6 action claims following a mediation with mediator Anthony Piazza;

7 WHEREAS, on March 29, 2011, Plaintiff filed a motion for preliminary
8 approval of class action settlement (*see* docket no. 450);

9 WHEREAS, on April 29, 2011, the Honorable Edward M. Chen granted
10 Plaintiff’s motion for preliminary approval of the proposed class action settlement
11 (*see* docket no. 466);

12 WHEREAS, on July 20, 2011, Plaintiff filed a motion for final approval of
13 class action settlement and for an award of costs and fees (*see* docket no. 476);

14 WHEREAS, on August 10, 2011, the Honorable Edward M. Chen indicated, at
15 the hearing on Plaintiff’s motion for final approval of the class action settlement, that
16 he would grant final approval of the class action settlement;

17 WHEREAS, on October 12, 2011, the Honorable Edward M. Chen issued an
18 order denying final approval of the class action settlement due to the district court’s
19 interpretation of recent case law, specifically, *In re Bluetooth Headset Products*
20 *Liability Litigation*, No. 09-56683, 2011 U.S. App. LEXIS 17224 (9th Cir. Aug. 19,
21 2011) (*see* docket no. 495);

22 WHEREAS, on October 28, 2011, the parties and Judge Chen held a lengthy
23 Status Conference, during which they thoroughly explored the parameters of an
24 acceptable settlement structure;

25 WHEREAS, the Parties believe that a settlement in this action after more than
26 three years of contentious and hard fought litigation is in the best interests of the
27 Parties and, as a result, have elected to continue settlement discussions with the
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1 assistance of Magistrate Judge Joseph C. Spero, which settlement conference is
2 currently set for December 5, 2011;

3 WHEREAS, the Parties believe that through further negotiations, any new
4 settlement of the class claims will represent a refinement, and not wholesale change,
5 to the previously agreed upon settlement; and

6 WHEREAS, given their ability to reach a settlement agreement previously and
7 the procedural posture of the pending settlement conference, the Parties do not believe
8 that the physical presence of named plaintiff Alicia N. Harris and the corporate
9 representative for Vector at the settlement conference will materially aide in the
10 resolution of the matter.

11 **STIPULATION**

12 NOW, THEREFORE, it is hereby stipulated by the Parties, through their
13 respective counsel of record, as follows:

14 1. That named plaintiff Alicia N. Harris and the corporate representative be
15 relieved of the obligation under Magistrate Judge Spero's Notice of Settlement
16 Conference and Order Setting Settlement Conference to be physically present at the
17 settlement conference; and

18 2. Both named plaintiff Alicia N. Harris and the corporate representative for
19 Vector will be available with unlimited settlement authority via teleconference, as
20 necessary, at all times during the pendency of the settlement conference set for
21 December 5, 2011.

22 Dated: November 23, 2011

REED SMITH LLP

23 By /S/

24 John H. Lien
Attorneys for Defendant
VECTOR MARKETING CORPORATION

25 Dated: November 23, 2011

MARLIN & SALTZMAN

26 By /S/

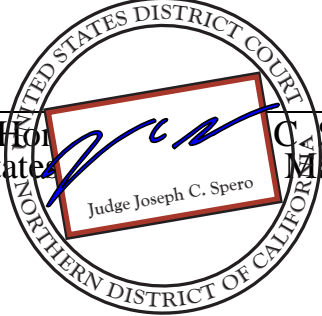
27 Christina A. Humphrey
Attorneys for Plaintiff
28 ALICIA HARRIS

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ORDER

Based on the above stipulation, IT IS SO ORDERED that the Court's Notice of Settlement Conference and Order Setting Settlement Conference (*see* docket no. 499) is modified to relieve named Plaintiff Alicia N. Harris and Vector's corporate representative of any personal appearance at the settlement conference set for December 5, 2011, but that both Parties shall be available via teleconference, as necessary, at all times during the pendency of the settlement conference.

Dated: November_28, 2011



 Hon. Joseph C. Spero
 United States Magistrate Judge

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